

11-15-88

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Karen,

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Joe H

cc: Diane  
Wehner

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF DELAWARE

JOHN E. WILSON, III, Secretary, :  
Department of Natural Resources :  
and Environmental Control, :

Plaintiff, :

C.A. No. 88-11

v. :

STANDARD CHLORINE OF DELAWARE, :  
INC., a Delaware corporation, :

Defendant. :

AMENDMENT TO CONSENT ORDER

WHEREAS, this Court entered a Consent Order (Order) in this matter January 12, 1988 and the parties thereto have undertaken various activities pursuant to and consistent therewith; and

WHEREAS, the Order provided, inter alia, for a Phase I and, under certain circumstances, a Phase II Remedial Investigation/Feasibility Study (RI/FS); and

WHEREAS, the parties have determined that the objectives of the Order can most efficiently and effectively be achieved by means of a single RI/FS; and

WHEREAS, the order by its terms (Paragraph 38) contemplated amendment by mutual agreement of the parties with approval of the Court;

Based on the foregoing, IT IS ORDERED AND AGREE:<sup>D</sup>

1. Paragraph 16 of the Order is hereby amended as follows:  
The final three sentences of Paragraph 16, beginning "DNREC shall review the emergency cleanup document . . ." and continuing to the end of the paragraph are hereby deleted.

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2. The final two sentences of Paragraph 19 of the Order are hereby deleted.

3. Paragraph 20 of the Order is hereby deleted in its entirety and the following paragraph is inserted in full substitution thereof:

20. Within ninety (90) days of the Court's entry of this Amendment to Consent Order, Defendant shall submit to DNREC for approval a work plan for a Remedial Investigation and Feasibility Study (RI/FS). The work plan shall provide for a sampling plan, a health and safety plan, a quality assurance project plan, a schedule of key milestones, and the submission of monthly progress reports.

4. Paragraph 21 of the Order is hereby deleted in its entirety.

5. Paragraph 22 of the Order is hereby deleted in its entirety.

6. Paragraph 23 of the Order is hereby amended by substituting the term "RI/FS" for the "Phase II RI/FS."

7. Paragraph 24 of the Order is hereby amended by substituting the term "RI/FS" for the term "Phase II RI/FS."

8. Paragraph 25 of the Order is hereby deleted in its entirety and the following paragraph is inserted in full substitution thereof:

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25. The RI/FS shall be conducted in accordance with the applicable U.S. Environmental Protection Agency RI/FS guidance documents and the NCP. Defendant shall submit the RI/FS in accordance with the schedule set forth in the approved work plan. The RI/FS report shall be submitted no later than 2 years from the approval of the work plan.


9. Paragraph 26 of the Order is hereby amended by substituting the term "RI/FS" for the term "Phase II RI/FS."

10. Paragraph 39 of the Order is hereby amended by inserting the phrase "as amended" after each reference to "this Order" in the paragraph.


11. All other provisions of the Consent Order of January 12, 1988 are and remain the Order of this Court.

Date:

11/7/88

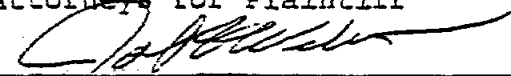
  
MICHAEL F. FOSTER  
State Solicitor  
Department of Justice  
Carvel State Office Building  
820 N. French Street  
Wilmington, DE 19801

Date: November 7, 1988

  
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Date:

  
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Department of Natural Resources  
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AB20005.7

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Date:

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SO ORDERED this \_\_\_\_\_ day  
of \_\_\_\_\_, 1988.

\_\_\_\_\_  
J.

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